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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,071	02/27/2002	Claude Arnaud	3155/104	5179

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BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
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3626

MAIL DATE	DELIVERY MODE
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05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/087,071	ARNAUD ET AL.	
	Examiner Vivek D. Koppikar	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 March 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 150, 157 and 161 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 157-150 and 161 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application
 6) Other: _____.

DETAILED ACTION

Status of the Application

1. Claims 157-159 and 161 have been examined in this application. This communication is a Final Office Action in response to the "Amendment" and "Remarks" filed on March 16, 2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 157-159 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Number 6,934,590 to Ogawa.

(A) As per claim 157, Ogawa teaches a system for providing assurance of quality of subjects' medical images (Ogawa: Abstract), said system comprising:

a computer receiving either the subjects' medical images or said quantitative information derived from the subjects' medical images from a remotely located site (Ogawa: Figure 1 and Col. 3, Ln. 60-64); and

a computer program for performing quality checks on the subjects' medical images, wherein the medical images are selected from the group consisting of x-ray, ultrasound, single x-ray absorptiometry, dual x-ray absorptiometry, CT, MRI, radionuclide, SPECT scan, PET scan or data derived from analysis of medical photographic techniques, laser enabling techniques, laser enhanced imaging, and various biomicroscopy techniques (Ogawa: Figure 1; Col. 3, Ln. 47-Col. 4, Ln. 15 and Claim 23), and

wherein the quality checks are selected from the group consisting of assessment of image quality, assessments of image resolution, and assessments of image contract (Ogawa: Col. 3, Ln. 60-62).

In Ogawa the quality checks are carried out on a sample of the subjects' medical images (Ogawa: Col. 3, Ln. 60-Col. 4, Ln. 5).

(B) As per claim 158, in Ogawa the quality checks are fully automated (Ogawa: Col. 3, Ln. 60-65).

(C) As per claim 159, in Ogawa the quality checks are carried out with human interaction (Ogawa: Col. 3, Ln. 60-65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 161 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa, as applied to Claim 157, above and in view of Official Notice.

(A) As per claim 161, Ogawa does not explicitly teach that the quality checks are carried out on a portion of selected ones of the subjects' medical images, however, the examiner takes Official Notice that this feature is well known in the field of quality control and quality assurance engineering. At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified Ogawa with this aforementioned feature with the motivation of having a more efficient means of performing a quality control analysis on a sample or batch of medical

images wherein not all the images would have to go through a quality control check since requiring all the images in a selected sample or batch to go through a quality control check would prove more time consuming.

Response to Arguments

6. Applicant's arguments filed on March 16, 2007 with respect to the pending claims have been fully considered but they are not persuasive. Applicants argue that the Ogawa reference does not teach that a computer program performs quality checks on a sample of the subjects' medical images. The Office interprets this limitation to mean that the quality checks are not performed on all the medical images produced by the equipment but rather on a few select images. The Ogawa reference teaches this very feature (Col. 3, Ln. 60-65). This portion of the Ogawa reference states that the testing equipment is only attached to the image producing equipment at the time of the quality check. From this statement it is inherent that the quality checks are performed on only a sample of the subjects' medical images since testing equipment is not always present to perform the quality checks. When the testing equipment mentioned in Ogawa is not present to perform the quality checks the image producing apparatus is still producing images and no quality checks are performed on these images. Therefore, Ogawa teaches that the quality checks are only performed on a sample of the subject's medical images and that the quality checks are not performed on all of the subject's medical images.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art. Unit: 3626

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Sincerely,

VK
Vivek Koppikar

4/18/2007

John Hayes
JOHN W. HAYES
SUPERVISORY PATENT EXAMINER